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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

IMPERIAL PREMIUM FINANCE, LLC,)	
)	<i>MOTION TO DISMISS</i>
Plaintiff,)	
)	Civil No. 2:09CV00861-cw
v.)	
)	Judge Clark Waddoups
SYLVIA HERSKOWITZ,)	Magistrate Judge Samuel Alba
)	
Defendant.)	
)	
)	
)	

Pursuant to Fed. R. Civ. P. 12(b)(1), Defendant Sylvia Herskowitz by and through counsel, respectfully moves this Court to dismiss Plaintiff Imperial Premium Finance, LLC's ("Imperial") Complaint for lack of subject matter jurisdiction. In its Complaint, Imperial incorrectly asserts that subject matter jurisdiction is proper in this case because Imperial's principal place of business is located in Boca Raton, Florida, while Defendant is a resident of New York.

However, for diversity purposes, an LLC is a citizen of every state in which its members reside, not the principal place of business of the LLC. Imperial has failed to identify its members and has failed to identify where each of its members reside. Consequently, it is unclear whether

complete diversity is present in this case. As a result, this case should be dismissed for lack of subject matter jurisdiction.

DATED this 25th day of February, 2011.

WOOD JENKINS LLC

By s/ Stephen Q. Wood
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 25, 2011, I electronically filed the foregoing ***MOTION TO DISMISS*** with the Clerk of Court using the CM/ECF system which sent notification of such filing to the following:

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